United Nations CEDAW/C/BRB/Q/5-8

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
25 November 2016

Original: English

Committee on the Elimination of Discrimination against Women
Sixty-seventh session
3-21 July 2017
Item 4 of the provisional agenda
Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

List of issues and questions in relation to the combined fifth to eighth periodic reports of Barbados

Constitutional, legislative and policy framework

1. It is noted in the report that section 11 of the Constitution provides for the fundamental rights and freedoms of an individual, without discrimination on the grounds of race, place of origin, political opinions, colour, creed or sex (CEDAW/C/BRB/5-8, para. 4).[1] The Committee notes, however, that the principle of non-discrimination and equality between women and men, in line with article 1 of the Convention, is not provided for in the constitutional or legislative framework. In accordance with the State party's obligations under articles 1 and 2 of the Convention and in line with target 5.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls everywhere, please indicate whether any measures have been taken, or are envisaged, to amend the Constitution and other relevant legislation to incorporate the principle of equality of women and men and define and prohibit all forms of discrimination against women, including direct, indirect, formal and substantive discrimination by State and non-State actors.

Access to justice

2. Please provide examples of cases, if any, in which the provisions of the Convention have been referred to by national courts, and indicate what measures have been taken to inform women about procedures available to them to enforce

Note: The present document is being circulated in English, French and Spanish only.

[1] Unless otherwise indicated, paragraph numbers refer to the combined fifth to eighth periodic reports of the State party.

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their rights under the Convention, to challenge discrimination and to obtain redress. Please indicate whether low-income women have adequate access to legal aid.

National machinery for the advancement of women

3. Please indicate the measures taken by the State party to further strengthen its national machinery for the advancement of women, in particular the Bureau of Gender Affairs and the interministerial committee on gender, along with the focal points of the Bureau. Please identify the steps taken to clearly define the mandate and the responsibilities of the Bureau and its various components and to enhance coordination, as well as ensure the provision of adequate human and financial resources. Please further indicate whether the Convention and the Committee's general recommendations are being integrated into capacity-building programmes for lawmakers, judges, prosecutors, lawyers, police officers and other law enforcement officials. Please also inform the Committee about any gender-responsive budgeting activities that have been developed. Please provide updated information on the proposed national policy statement on gender referred to in paragraph 14 of the State party's report, indicating whether an adjusted timetable has been established for its adoption. Please indicate whether the national machinery will be responsible for its implementation, coordination, monitoring and evaluation and whether adequate resources will be available to carry out these functions.

4. In addition to the proposed training for relevant staff within the Office of the Ombudsman (para. 11), please elaborate on what other steps have been taken to incorporate a gender perspective into the work of the Office. Please also provide an update as to whether any cases of discrimination against women have been considered by the Office since 2015, and indicate what measures have been taken to inform women of the role of the Office and to encourage them to report such cases. Please also indicate the measures taken to establish an independent national human rights institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), whose competencies include issues relating to the equality of women and men.

Temporary special measures

5. The State party outlines initiatives developed to facilitate the participation of women in political and public life (para. 40), but that have had limited effect. The State party does not, however, provide specific details as to whether any temporary special measures have been implemented or are envisaged as a means of accelerating the full and equal participation of women in all areas covered by the Convention in which they are disadvantaged or underrepresented, including in political processes, decision-making positions in education and male-dominated sectors of employment. In that regard, the Committee requests the State party to provide information on temporary special measures, in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on the subject, put in place to accelerate the realization of substantive equality of women with men.

Stereotypes and harmful practices

6. Please provide information on any measures taken by the State party to develop a comprehensive policy to change social and cultural patterns that reinforce traditional stereotypes regarding the roles and responsibilities of women and men in the family and in society, targeting schools in particular, as well as the negative media messaging regarding and portrayal of women. Please indicate whether the inclusion of ways in which gender stereotyping is reproduced and reinforced in the teaching of family life education has an impact on the elimination of stereotypical perceptions and attitudes held by both sexes regarding the roles of men and women in the home and in society. Please also clarify whether any steps have been taken to improve content delivery and strengthen the systems for delivery identified as weaknesses by the United Nations Children's Fund in a study in 2011 (para. 15).

Violence against women

7. Given the State party's acknowledgement that the murder rate of women was an issue of special concern during the reporting period, please provide updated information on the steps taken to adopt comprehensive legislation criminalizing all forms of violence against women. Please also clarify why the proposed protocol to develop a mechanism for systematic data collection on violence against women did not move forward (para. 30), and indicate whether an alternative system has been developed as a means of ensuring that nationwide data will be collected, collated, analysed and shared for the purposes of effectively combating violence against women and girls. Please also indicate the steps taken to strengthen the human, technical and financial resources of the Victim Support Unit of the Royal Barbados Police Force. Please provide information on steps taken to address insufficiencies within the legal system in order to expeditiously process cases of violence against women, in particular rape, as a means of avoiding out-of-court settlements (para. 38) and ensuring that the perpetrators of such acts are prosecuted and adequately punished and victims provided with adequate protection assistance and reparations. Please provide updated information on the current status of the proposal made by the Bureau of Gender Affairs to amend the Sexual Offences Act (para. 39) to extend the definition of marital rape to include circumstances of de facto separation, as well as ensuring that restrictive conditions do not have an impact on legal unions.

8. Please provide information on measures taken to ensure that girls who are victims of sexual abuse have access to protection centres and that these are available throughout the country. Please also indicate the steps taken by the State party to conduct awareness-raising campaigns, in particular for girls, parents and caregivers, to prevent the stigmatization of victims of sexual violence and abuse. Please provide information on the measures taken to develop adequate systems of investigation of cases of sexual exploitation and promptly prosecute all cases of sexual abuse of girls.

Trafficking

9. According to information before the Committee, the State party is a source and destination country for women and girls subjected to sex trafficking and forced labour. The State party notes that, in 2011, the Transnational Organized Crime

(Prevention and Control) Act was passed, which provides for prosecution in this regard (para. 6). Please provide information on the number of cases investigated and persons prosecuted and the nature of sanctions imposed on perpetrators of trafficking in persons, in particular women and girls. Please also provide details on the functions of the trafficking unit established within the Royal Barbados Police Force (ibid.). Please provide updated information on the status of the draft protocol and policy and procedures manual for protection of victims of trafficking proposed since 2008 (para. 24) and the prosecution of offenders. Please indicate the measures taken to strengthen awareness-raising programmes on trafficking, especially in low-income urban areas, and to ensure the provision of adequate protection and assistance to women and girls who are victims of trafficking, including the provision of shelters and rehabilitation and reintegration support.

Participation in political and public life

10. Please provide, in particular, information on measures taken to introduce a system of quotas that would aim at reaching a minimum 30 per cent representation of women in Parliament and to support women candidates for elected positions in the State party. Please provide information on measures taken to amend legislation and policies relating to the participation of women in political and public life and to incorporate provisions that promote the equal representation of women and men in leadership and decision-making positions at all levels and in all areas of political and public life and develop women's leadership capabilities to engage in these roles. Please also indicate whether the web-based portal to serve as a focal point for discussion and the dissemination of information on strengthening the political participation of women (para. 44) remains in place and, if it does, whether its impact has been evaluated.

Nationality

11. Information before the Committee suggests that, while children born in the State party to either Barbadian mothers or fathers are eligible to acquire Barbadian nationality, Barbadian mothers cannot confer nationality on their children born abroad, unlike Barbadian fathers. Given the reference in the report that indicates that amendments to the Constitution in 2000 now allow either parent to confer citizenship on a child, wherever that child is born (para. 112), please clarify how the State party applies article 5 of the Constitution and how national legislation ensures equality between Barbadian women and men with regard to their ability to confer their nationality on their children in all circumstances, in order to reduce statelessness, in line with articles 1 to 3 and 9 (2) of the Convention and the Committee's general recommendations No. 28 (2010) on the core obligations of States parties under article 2 of the Convention and No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women.

Education

12. Please indicate whether steps have been taken to address the concern outlined in the report regarding the policy of requiring girls to achieve higher grades than boys in the common entrance exam (para. 116). Please also provide information on measures contemplated to ensure that school principals adhere to legislative

provisions governing the return of adolescent mothers to school to complete their education (para. 124). Information provided in the report indicates that students enrolled in the Barbados Vocational Training Board continue to opt for traditional gender-linked training (para. 119). Please indicate what measures are contemplated to increase female participation in non-traditional areas of vocational training, as well as in technology and science-based studies at the secondary and tertiary levels. Please provide updated information on the progress made to develop age-appropriate education on sexual and reproductive health and rights at all levels of education in the State party. Please also provide data on the dropout rates of girls owing to pregnancy and the indirect costs of education that might impede women's and girls' access to education, especially in female-headed households.

Employment

13. It is recognized in the State party's report that, although women and girls show higher participation and attainment rates at all levels of education, these rates are still not adequately reflected in employment or income parity, with unemployment rates remaining higher among women (para. 128). Please provide information on the specific measures taken to promote women's employment in non-traditional, higher-waged sectors, including through the use of temporary special measures, and to enforce the principle of equal pay for work of equal value, in line with the Equal Remuneration Convention, 1951 (No. 100), of the International Labour Organization, in order to close the gender wage gap. Please provide updated information on the proposed sexual harassment prevention bill (para. 136), which has been pending for many years. Furthermore, please include information on the engagement of women in the informal sector and measures in place to ensure their protection and the sustainability of their enterprises.

14. Further to the Committee's previous recommendations (A/57/38, part three, para. 244), please indicate what measures have been taken to adopt an equal employment opportunity law and a legislative provision on parental leave for fathers.

Health

15. Please indicate whether any measures have been taken to evaluate the impact of the Ministry of Health programme on maternal and child health. Please also provide information on: (a) the percentage of the national budget allocated to women's health; (b) the maternal mortality rate; and (c) women's access to basic health-care services, including essential obstetric care and sexual and reproductive health services. Given the high level of adolescent pregnancy (information before the Committee suggests a rate of 40 per cent of all births under 20 years of age) and indications that many schoolgirls under the age of consent are obtaining abortions, please provide information on measures taken to address this problem. Please also provide details on the programmes mentioned in paragraph 75 of the report to reduce early pregnancies and the services provided to ensure that adolescent mothers are provided with the necessary support in terms of nutrition, health and psychosocial care. Please also provide information on measures taken to address this problem. Please elaborate on the specific functions of the National HIV/AIDS Commission and the HIV/AIDS committees, and indicate whether they are provided with the human and technical support necessary to implement their mandate. Please

provide information on the national HIV policy (2008), and indicate whether any measures have been taken to evaluate its impact, especially in reducing prevalence among women and girls (para. 69).

Women with disabilities

16. Please provide updated information on any steps taken to introduce anti-discrimination legislation at the local level to prevent discrimination against women with disabilities, as noted in paragraph 5 of the report. Please provide information on the extent to which women with disabilities are disproportionately affected by poverty and in terms of access to health services, education and employment. Please provide specific examples of social protection schemes in place aimed at reducing the economic burden on women in disadvantaged groups, including women with disabilities.

Refugees and asylum-seeking women

17. The report does not provide information on the situation and the registration system of refugee and asylum-seeking women in the State party and on asylum claims based on gender-related persecution. Please indicate whether efforts have been made to establish a formal mechanism to identify persons in need of international protection, including women refugees, stateless women and victims of trafficking in persons, and by providing enhanced training and guidelines to law enforcement officials to identify and protect such persons. Please also provide recent statistical data on the number of refugee and asylum-seeking women in the State party and the services available to them, as well as on the quality of these services. Please also describe measures taken to protect refugee and asylum-seeking women and girls from violence, sexual harassment in the workplace and trafficking and to ensure that they have adequate access to health services, in particular sexual and reproductive health services.

Marriage and family relations

18. Please indicate whether and how considerations of gender-based violence against women in the domestic sphere are taken into account when ruling on child custody and visitation rights. Please also provide an update on the regulations pertaining to child maintenance, including whether a minimum level of maintenance has been established.

Natural disasters

19. According to information before the Committee, the State party is in the hurricane belt and hence susceptible to tropical storms. Please provide information on whether a gender perspective has been incorporated into national disaster management, relief and recovery strategies, and indicate whether women participate at all stages of the disaster management process.

Optional Protocol to the Convention and amendment to article 20 (1) of the Convention

20. The State party notes that the Office of the Attorney-General advised that the Government would have to ensure that it was in a position to establish the various

mechanisms required to carry out all its obligations envisaged under the Optional Protocol to the Convention before it would agree to sign it (para. 79). Please indicate any progress made with regard to the ratification of the Optional Protocol and the acceptance of the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee.